

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CARLOS VIGUERA,

**NOTICE OF MOTION**

Plaintiff, 08 Civ 3807 (AKH)

- against -

THE NEW YORK CITY HEALTH AND HOSPITAL  
CORPORATION and ANA BLANCO,

Defendants.

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**PLEASE TAKE NOTICE**, that upon the Declaration of Kami Z. Barker, dated June 27, 2008, and the exhibits annexed thereto, Defendants' Memorandum of Law In Support Of Their Motion To Dismiss, dated June 27, 2008, and all prior papers and proceedings had herein, defendants will move this Court, before the Honorable Alvin K. Hellerstein, United States District Judge, Southern District of New York, at the Courthouse thereof, 500 Pearl Street, New York, New York, on July 25, 2008, for an order, pursuant to Federal Civil Procedure Rules 12(b)(1) and 12(b)(6), dismissing plaintiff's complaint in its entirety on the grounds that the complaint is barred collateral estoppel and that the Court lacks subject matter jurisdiction, and granting defendant costs, fees, and disbursements together with such other and further relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE**, that, pursuant to the Local Rules, any papers in opposition to defendants' motion to dismiss, are to be served by July 16, 2008 and defendants shall have until July 25, 2008 to reply.

Dated: New York, New York  
June 27, 2008

Respectfully Submitted,

**MICHAEL A. CARDOZO**  
Corporation Counsel of the City of New York  
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By: /s/  
Kami Z. Barker  
Assistant Corporation Counsel

08 Civ 3807 (AKH)

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**DEFENDANTS' NOTICE OF MOTION TO  
DISMISS PLAINTIFF'S COMPLAINT**

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**MICHAEL A. CARDOZO**

*Corporation Counsel of the City of New York*

Attorney for Defendant

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New York, N.Y. 10007-2601

Of Counsel: Kami Z. Barker  
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